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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,519	10/31/2003	Robert A. Larson	LR-101US	4220

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JANSSON, SHUPE & MUNGER & ANTARAMIAN, LTD
245 MAIN STREET
RACINE, WI 53403

EXAMINER	
PARSLEY, DAVID J	
ART UNIT	**PAPER NUMBER**
3643	

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,519	LARSON ET AL.	
	Examiner	Art Unit	
	David J. Parsley	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *37-46,48 and 50-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *37-46,48 and 50-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10-31-03* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Amendment

1. This office action is in response to applicant's amendment dated 11-11-05 and this action is non-final given the new grounds of rejection set forth below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 37-42, 44-45, 48 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,839,980 to Hersom in view of U.S. Patent No. 5,205,640 to Shin.

Referring to claim 37, Hersom discloses a light – at 30,36, see column 1 lines 60-66, adapted to be used with a fish landing apparatus having a shaft – at 24,28, and a net – at 12-20, attached to the shaft – see figure 1, comprising, an LED – at 30,36 – see column 1 lines 60-66, a light body – at 16,26, for securing the LED at a position for illuminating the net – see for example figure 1. Hersom does not disclose a rotary switch lens rotatably attached to the light body and having a light passage portion for passing light from the light therethrough, the light

passage portion being one of translucent and transparent and a radially aligned contact pair opened or closed by rotation of the rotary switch lens for on/off switching of electric power to the light. Shin does disclose a rotary switch lens – at 18,25-36,38,39,40,41, rotatably attached to the light body – at 19-22 – see at 26 and column 4 lines 16-30, and having a light passage portion 18,40,41, for passing light from the light – at 38, therethrough, the light passage portion being one of translucent and transparent – see for example column 4 lines 43-64, and a radially aligned contact pair – at 24,28, and 34-36, opened or closed by rotation of the rotary switch lens – at 26, for on/off switching of electric power to the light – see for example column 5 lines 57-68 and column 6 lines 1-61. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the rotary switch lens of Shin, so as to allow for easier manufacture of the device along with easier and less cumbersome turning on/off of the light.

Referring to claim 38, Hersom as modified by Shin further discloses the light body has a first lengthwise portion – at 25, adapted for being inserted into the shaft – at 20,21,22,22', and has a second lengthwise portion – at 18,40, or – at 26, with a peripheral edge part wider than the shaft, the second lengthwise portion being adapted for abutting a distal end of the shaft – see figures 1-2 of Shin.

Referring to claim 39, Hersom as modified by Shin further discloses the first lengthwise portion of the light body has an outer surface shape that effects a keying structure – see at 25,26, in figure 1 of Shin.

Referring to claim 40, Hersom as modified by Shin further discloses the light body has a light-emitting end – see proximate 41 in figures 1-2 of Shin, with an annular groove – see the inner wall of item 40 proximate item 41 in figures 1-2 of Shin, and wherein the rotary switch

lens has an annular ridge – at 40 and/or 41, structured to fit within the annular groove – see for example figures 1-2 of Shin.

Referring to claim 41, Hersom as modified by Shin further discloses a brightness of the LED is set to a level of non-disturbance of a fish – see for example column 2 lines 64-68 and column 3 lines 1-26 of Hersom.

Referring to claim 42, Hersom as modified by Shin further discloses a battery – at 46 of Hersom and – at 15 of Shin.

Referring to claim 44, Hersom as modified by Shin further discloses a brightness adjuster – at 24,27,28,35,36,32,33, for changing a light illumination level of the LED by rotation of the rotary switch lens – at 26, – see for example column 5 lines 57-68 and column 6 lines 1-61 of Shin.

Referring to claim 45, Hersom as modified by Shin further discloses the brightness adjuster comprises, a plurality of rotary switch positions accessed by the rotation of the rotary switch lens – at 26, and an illumination level control member – at 35 and/or – at 24,27,28, structured for adapting the light to a plurality of brightness levels corresponding to the plurality of switch positions – see for example column 5 lines 57-68 and column 6 lines 1-61 of Shin.

Referring to claim 48, Hersom discloses a fish landing apparatus comprising a shaft-like pole – at 24,28, having a handle end – at 28,44, and a net end – proximate 40 – see figure 1, a fish landing net – at 12-22, attached to the net end of the pole – see figure 1, and an illumination module – at 30,36, having a light emitting diode – see column 1 lines 60-66, secured therein and having a electrical power supply – at 40-50 – see figure 2, for supplying electrical power to the LED, for passing light from the Led therethrough, the illumination module being insertable into

the net end of the pole – see for example figure 1. Hersom does not disclose the illumination module having a rotary switch lens structured for supplying electrical power to the light when the rotary switch lens is rotated. Shin does disclose the illumination module – at 18,25-36,38,39,40,41, having a rotary switch lens – at 26, structured for supplying electrical power to the light – at 38, when the rotary switch lens is rotated – see for example column 5 lines 57-68 and column 6 lines 1-61. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the rotary switch lens of Shin, so as to allow for easier manufacture of the device along with easier and less cumbersome turning on/off of the light.

Referring to claim 57, Hersom as modified by Shin further discloses a clamp – at 22,22', 25, structured for attaching the illumination module to the shaft of the device – see for example figures 1-2 of Shin.

Referring to claim 58, Hersom discloses a fish landing apparatus having a net – at 12-22, attached to a shaft – at 24,28, having a light – at 30,36, for illuminating the net, the improvement comprising the light having an on/off switch – at 40-50, for switching on/off the LED in a module insertable into a distal end of the shaft – see for example figure 1 and column 1 lines 60-66. Hersom does not disclose a rotary switch lens for on/off switching of an LED insertable into a distal end of the shaft. Shin does disclose a rotary switch lens – at 18, 25-36, 38, 39, 40, 41, for on/off switching of the light – at 38, insertable into a distal end of the shaft – at 20,21,22,22' – see for example figures 1-2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the rotary switch lens of Shin, so as to allow for easier manufacture of the device along with easier and less cumbersome turning on/off of the light.

Referring to claim 59, Hersom discloses a fish landing apparatus comprising, a shaft – at 24,28, having a handle end – at 28,44, and a net end – proximate 40 in figure 1, a net – at 12-22, attached to the shaft – see for example figure 1, an illuminating module – at 30,36, 40-50, inserted into the net end of the shaft – see for example figure 1, the illuminating module having an LED – see for example column 1 lines 60-66, and a switch means – at 40-50, for switching LED power on/off and for passing light from the LED through a transparent or translucent medium – at 26, for illuminating the net – see for example figure 1. Hersom does not disclose lens means for switching the light power on/off. Shin does disclose lens means – at 18, 25-36, 38, 39, 40, 41, for switching the light power on/off – see for example column 5 lines 57-68 and column 6 lines 1-61. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom and add the rotary switch lens of Shin, so as to allow for easier manufacture of the device along with easier and less cumbersome turning on/off of the light.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as modified by Shin as applied to claim 42 above, and further in view of U.S. Patent No. 4,922,643 to Everett. Hersom as modified by Shin does not disclose the battery is disc-shaped. Everett does disclose the battery – at 19 is disc-shaped – see for example column 2 lines 52-64. Therefore it would have been obvious to one of ordinary skill in the art to take device of Hersom as modified by Shin and add the disc-shaped battery of Everett, so as to allow for the device to be made more compact.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as modified by Shin as applied to claim 37 above, and further in view of U.S. Patent No. 4,809,458 to Tanikuro et al. Hersom as modified by Shin does not disclose the LED comprises a disc-

shaped cartridge. Tanikuro et al. discloses the LED – at 8, comprises a disc-shaped cartridge – see for example figures 1-12. Therefore it would have been obvious to one for ordinary skill in the art to take the device of Hersom as modified by Shin and add the disc-shaped LED of Tanikuro et al., so as to allow for the device to be made compact and lightweight.

Claims 50-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hersom as modified by Shin as applied to claim 48 above, and further in view of U.S. Patent No. 6,000,808 to Hansen.

Referring to claim 50, Hersom as modified by Shin does not disclose the structure comprises at least one frame member having a surface opposed to the illuminator and having disposed on the surface at least one of reflective tape and reflective coating. Hansen does disclose the structure comprises at least one frame member having a surface opposed to the illuminator – at 121, and having disposed on the surface at least one reflective tape and reflective coating – at 18 or 127 – see for example column 4 lines 15-31. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom as modified by Shin and add the reflective tape or reflective coating of Hansen, so as to make the device more visible to the user.

Referring to claim 51, Hersom as modified by Shin and Hansen does not disclose the reflective tape or reflective coating contains fluorescent pigment. However, applicant's disclosure does not indicate that this limitation in the claimed invention is critical to the operation of the invention and therefore it would have been obvious to one of ordinary skill in the art to take the device of Hersom as modified by Shin and Hansen and add the reflective tape

or coating having fluorescent pigment, so as to allow for the device to be more visible to the user.

Referring to claim 52, Hersom as modified by Shin and Hansen further discloses an optical filter – at 107,126,127, for filtering light emitted by an excitation of the fluorescent pigment – see for example figures 1-4 of Hansen.

Referring to claim 53, Hersom as modified by Shin by Hersom and Hansen further discloses the at least one of reflective tap and reflective coating contains pigment replicating a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 54, Hersom as modified by Shin and Hansen further discloses the at least one reflective tape or reflective coating contains a pigment that replicates a fish-friendly environment – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 55, Hersom as modified by Shin and Hansen further discloses has a spatial arrangement comprising one of two-dimensional and three-dimensional – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Referring to claim 56, Hersom as modified by Shin and Hansen further discloses a light beam shaper – proximate 127, for focusing a light beam emitted form the illuminator on the at least one of reflective tap and reflective coating – see for example figures 1-4 and column 4 lines 15-31 of Hansen.

Response to Arguments

3. Applicant's arguments with respect to claims 37-46, 48 and 50-59 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to rotary switches in general:

U.S. Pat. App. Pub. No. 2004/0140771 to Kim et al. – shows rotary switch

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Parsley
Patent Examiner
Art Unit 3643

PETER M. POON
SUPERVISORY PATENT EXAMINER

10/23/05